

### **REMARKS**

In an Office Action dated January 3, 2011, claims 8, 11, 13, 15, and 18-22 were rejected. Herein, claims 8, 11, 13, 15, and 18-21 have been amended. No new matter has been added. Applicants respectfully request further examination and reconsideration in view of the following remarks.

#### **I. Notice of References Cited**

Applicants note that the Hannuksela reference (US 2004/0218816) cited in the rejection of the claims is not listed on the Form PTO-892 ("Notice of References Cited") attached to Office Action. Accordingly, it is respectfully requested that the Examiner provide a Form PTO-892 listing the Hannuksela reference with the next Office communication.

#### **II. Claim Rejections under 35 U.S.C. 102**

Claims 8, 13, and 15 were rejected under 35 U.S.C. 102(e) as being anticipated by Hannuksela (US 2004/0218816). Applicants respectfully request reconsideration of the above-noted rejection in view of the following.

Applicants note that the instant application claims priority under 35 U.S.C. 119(a)-(d) to Japanese Application 2003-040805, which has a filing date of February 19, 2003.

Additionally, it is noted that the Hannuksela reference is the publication of US Application Serial No. 10/427,714, which was filed on April 30, 2003. As such, Applicants note that the filing date of the Hannuksela reference (i.e., April 30, 2003) falls between the US filing date for the instant application (i.e., February 13, 2004) and the filing date of the foreign priority application (i.e., February 19, 2003). Thus, the Hannuksela reference is an intervening reference that may be removed by perfecting the claim for foreign priority in the instant application (*See* MPEP 706.02(b)).

It is noted that Applicants are in the process of obtaining an English language translation of Japanese Application 2003-040805, and that a certified copy of Japanese Application 2003-040805 translated into the English language will be provided as soon as possible in order to

perfect the claim for foreign priority under 35 U.S.C. 119(a)-(d). Accordingly, Applicants respectfully submit that upon receipt and consideration of the certified copy of Japanese Application 2003-040805 translated into the English language, the rejection of claims 8, 13, and 15 under 35 U.S.C. 102(e) will be overcome.

### **III. Claim Rejections under 35 U.S.C. 103**

Claims 18-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 6,148,140) in view of Hannuksela. As noted above, a certified copy of Japanese Application 2003-040805 translated into the English language will be provided as soon as possible in order to perfect the claim for foreign priority under 35 U.S.C. 119(a)-(d) in order to remove the Hannuksela reference as prior art. Accordingly, Applicants respectfully submit that upon receipt and consideration of the certified copy of Japanese Application 2003-040805 translated into the English language, the rejection of claims 18-22 under 35 U.S.C. 103(a) will be overcome.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hannuksela in view of Teo et al. (US 5,621,464). As noted above, a certified copy of Japanese Application 2003-040805 translated into the English language will be provided as soon as possible in order to perfect the claim for foreign priority under 35 U.S.C. 119(a)-(d) in order to remove the Hannuksela reference as prior art. Accordingly, Applicants respectfully submit that upon receipt and consideration of the certified copy of Japanese Application 2003-040805 translated into the English language, the rejection of claim 11 under 35 U.S.C. 103(a) will be overcome.

### **IV. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 8, 11, 13, 15, and 18-22 are clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner believes that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Youji NOTOYA et al.

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